

REMARKS

The Office Action mailed August 6, 2008, has been carefully reviewed and the foregoing amendment and following remarks have been made in consequence thereof.

Claims 1-21 and 31-42 are pending in this application. Claims 1-21 and 31-42 stand rejected. Claims 22-30 and 43-64 have been cancelled.

Applicants wish to emphasize that the cancellation of Claims 22-30 and 43-64 is without prejudice and expressly reserves the right to file a continuation and/or divisional application or applications for further prosecution of the subject matter contained in these claims. Accordingly, Applicants expressly disavow any intention to surrender the subject matter of Claims 22-30 and 43-64 by cancellation in the instant application and reserve the right to prosecute these claims in future applications.

Applicants also wish to point out that a patent with the same lead inventor, same assignee, and same filing date as the present application was recently issued by the U.S. Patent Office as Patent No. 7,305,365 B2. The present claims of this patent application include allowable subject matter from Patent No. 7,305,365 B2, namely *providing financing by the lender for the dealer as part of the personalized offer to the targeted customers*. (Emphasis added.) Accordingly, for at least these reasons and the reasons set forth below, Applicants submit that the present case is in condition for allowance.

The rejection of Claims 1-21 and 31-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,925,441 (Jones) is respectfully traversed.

Applicants respectfully submit that Jones does not describe or suggest the claimed invention. At least one of the differences between Jones and the present invention is that Jones does not describe or suggest calculating for each customer a predicted sale of a product. Rather, in contrast to the present invention, Jones describes a consumer income, a consumer net worth, and a consumer credit rating. More specifically, column 6 of Jones recites:

Other information about the consumer is also gathered and stored in the database for analysis. . . . However, such lending institution databases also have records that demographically sort information about *consumers of certain incomes*. . . . Content providers offer goods and services of varying value depending upon the consumer group to whom such services

might be offered. For example, a lending institution as a content provider might provide personal loans to *consumers of high net worth who have good credit ratings*.

(Emphasis added.) In other words, Jones describes a consumer's creditworthiness based on a plurality of credit-related characteristics of a consumer. The credit-related characteristics as described by Jones do not necessarily correlate to sales by a dealer in the absence of a relationship with a dealer. For example, a high-income consumer does not necessarily correlate to sales by the dealer in the absence of a purchase or other relationship. Alternatively, a low-income consumer may be a loyal shopper and correlate to multiple sales by the dealer. As such, the credit-related characteristics as described by Jones have no immediate relation to the subject matter claimed insofar as the calculation of *a predicted sale of a product by the dealer* as recited in the amended claims. (Emphasis added.)

Moreover, Applicants respectfully submit that another difference between Jones and the present invention is that Jones does not describe or suggest calculating for each customer a predicted timing of a predicted sale of a product. Rather, in contrast to the present invention, Jones describes offering a customer certain items or services "at the appropriate time." Col. 7, lines 8-11. More specifically, Jones describes a purchaser of a luxury car would be more inclined to take a luxury cruise or stay at a four-star resort and a purchaser of a sports utility vehicle would be more interested in fishing and camping equipment. See col. 7, lines 1-11. In other words, Jones describes a probabilistic likelihood of interest of a customer in a particular good or service based on previous purchases. The probabilistic likelihood as described by Jones does not necessarily correlate to a timing of the sale. For example, a consumer may be likely to purchase a product, but the probabilistic likelihood as described by Jones does not indicate whether the purchase would occur within the next week or after a year. As such, the probabilistic likelihood as described by Jones has no immediate relation to the subject matter claimed insofar as the calculation of *a predicted timing of a predicted sale of a product by the dealer* as recited in the amended claims. (Emphasis added.)

Further, Applicants respectfully submit that yet another difference between Jones and the present invention is that Jones does not describe or suggest providing financing for a purchase of a product as part of a personalized offer of the product. Rather, in contrast to the present invention, Jones merely describes lending as an example of a service that can be offered by content providers. More specifically, Figure 2 shows lending institutions, among

other examples, as types of services that can be offered by content providers. In other words, Jones generally describes types of lending that a customer might use. Nowhere does Jones describe or suggest generating a list of targeted customers, constructing customer campaigns for the targeted customers with personalized offers of a particular product, and providing financing for the purchase of the particular product as part of the personalized offer. That is, financing as is described by Jones is a stand-alone service and is not in connection to a personalized offer for a particular product as recited in the amended claims.

Jones describes a system and method of targeted marketing and emphasizes the avoidance of "junk mail" for goods and services which the receiving party has no interest in whatsoever. As stated by Jones, what is needed is a more effective way to target consumers for specific marketing, and to allow consumers to receive advertisements from a variety of merchants and service providers "without regard to where prior purchases were made." See col. 3, lines 31-41. Applicants submit that Jones relates to a targeted marketing technique using cooperative advertising to reach new customers via existing communications channels. In contrast, the presently claimed subject matter is directed to the management of customer relationships for lenders engaged in the business of providing financing, wherein actions can be taken to retain customers as loan customers. These are fundamentally different concepts and are believed to be distinguishable on a number of levels, including but not limited to at least the aspects explained below.

Claim 1 recites a method for managing customer relationships comprising: "providing a database of customer information, customer spending data, and customer financial data for each customer stored within the database, wherein the financial data includes at least one of income, loan and credit payment history, and loan and credit overpayments for each customer . . . predicting future customer behavior for each customer stored in the database based on the customer information, customer spending data, and customer financial data . . . calculating for each customer at least one of a predicted sale of a product by the dealer to the customer and a predicted timing of the predicted sale of the product by the dealer to the customer based on the predicted future customer behavior . . . generating a list of targeted customers based on the predicted sale and the predicted timing, wherein a targeted customer is a customer designated for receiving from the dealer a personalized offer for sale of a the product . . . constructing customer campaigns with personalized offers for the targeted customers . . . and providing financing by the lender for the dealer as part of the personalized offer to the

targeted customers, wherein the lender provides financing to the targeted customers that purchase the product from the dealer as a result of the customer campaigns.”

Applicants respectfully submit that Jones does not describe nor suggest a method for managing customer relationships as is recited in Claim 1. Specifically, Jones does not describe or suggest *calculating for each customer at least one of a predicted sale of a product by the dealer to the customer and a predicted timing of the predicted sale of the product by the dealer to the customer based on the predicted future customer behavior*. (Emphasis added.) Rather, in contrast to the invention, Jones describes a consumer income, net worth, and credit rating and offering a customer certain items or services at an appropriate time.

Moreover, Jones does not describe or suggest *providing financing by the lender for the dealer as part of the personalized offer to the targeted customers, wherein the lender provides financing to the targeted customers that purchase the product from the dealer as a result of the customer campaigns*. (Emphasis added.) Rather, in contrast to the invention, Jones describes lending, generally, as one example of a service that can be offered by content providers.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Jones.

Claims 2-10 depend from independent Claim 1. When the recitations of Claims 2-10 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claims 2-10 likewise are patentable over Jones.

Claim 11 recites a system for managing customer relationships comprising: “at least one computer . . . a server including a database of customer information, customer spending data, and customer financial data for each customer stored within the database, wherein the financial data includes at least one of income, loan and credit payment history, and loan and credit overpayments for each customer, said server configured to . . . predict future customer behavior for each customer stored in the database based on the customer information, customer spending data, and customer financial data . . . calculate for each customer at least one of a predicted sale of a product by the dealer to the customer and a predicted timing of the predicted sale of the product by the dealer to the customer based on the predicted future customer behavior . . . generate a list of targeted customers based on the predicted sale and the predicted timing, wherein a targeted customer is a customer designated for receiving from

the dealer a personalized offer for sale of the product . . . construct customer campaigns with the personalized offers for the targeted customers . . . and determine that financing is to be provided by the lender for the dealer as part of the personalized offer to the targeted customers, wherein the lender provides financing to the targeted customers that purchase the product from the dealer as a result of the customer campaigns . . . and a network connecting said server to said computer.”

Applicants respectfully submit that Jones does not describe or suggest a system for managing customer relationships as is recited in Claim 11. Claim 11 recites a system that includes a server configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 11 is patentable over Jones for the reasons that correspond to those given with respect to Claim 1.

Accordingly, for at least the reasons set forth above, Claim 11 is submitted as patentable over Jones.

Claims 12-21 depend, directly or indirectly, from independent Claim 11. When the recitations of Claims 12-21 are considered in combination with the recitations of Claim 11, Applicants respectfully submit that dependent Claims 12-21 likewise are patentable over Jones.

Claim 31 recites a method for managing a customer relationship comprising: “selecting, from an electronic interface, a record of customer information, customer spending data, and customer financial data for each customer, wherein the financial data includes at least one of income, loan and credit payment history, and loan and credit overpayments for each customer . . . selecting, from the electronic interface, key performance indicators for an analysis of the customer information, customer spending data, and customer financial data . . . requesting, from the electronic interface, a prediction of future customer behavior for each customer . . . requesting, from the electronic interface, a calculation for each customer of at least one of a predicted sale of a product by the dealer to the customer and a predicted timing of the predicted sale of the product by the dealer to the customer based on the predicted future customer behavior . . . request, from the electronic interface, a list of targeted customers based on the predicted sale and the predicted timing, wherein the targeted customer is a customer designated for receiving from the dealer a personalized offer for sale of the product . . . request, from the electronic interface, a construction of customer

campaigns with the personalized offers for the targeted customers . . . and request, from the electronic interface, a determination of financing that is to be provided by the lender for the dealer as part of the personalized offer to the targeted customers, wherein the lender provides financing to the targeted customers that purchase the product from the dealer as a result of the customer campaigns.”

Applicants respectfully submit that Jones does not describe or suggest a method for managing a customer relationship as is recited in Claim 31. Claim 31 recites a method that includes steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 31 is patentable over Jones for the reasons that correspond to those given with respect to Claim 1.

Accordingly, for at least the reasons set forth above, Claim 31 is submitted as patentable over Jones.

Claims 32-34 depend, directly or indirectly, from independent Claim 31. When the recitations of Claims 32-34 are considered in combination with the recitations of Claim 31, Applicants respectfully submit that dependent Claims 32-34 likewise are patentable over Jones.

Claim 35 recites an apparatus for managing customer relationships comprising: “means for storing customer information, customer spending data, and customer financial data for each customer, wherein the financial data includes at least one of income, loan and credit payment history, and loan and credit overpayments for each customer . . . means for predicting future customer behavior according to the customer information, customer spending data, and customer financial data . . . means for calculating for each customer at least one of a predicted sale of a product by the dealer to the customer and a predicted timing of the predicted sale of the product by the dealer to the customer based on the predicted future customer behavior . . . means for generating a list of targeted customers based on the predicted sale and the predicted timing, wherein a targeted customer is a customer designated for receiving from the dealer a personalized offer for sale of the product . . . means for constructing customer campaigns to manage the customer relationship . . . and means for determining that financing is to be provided by the lender for the dealer as part of the personalized offer to the targeted customer, wherein the lender provides financing to the

targeted customers that purchase the product from the dealer as a result of the customer campaigns.”

Applicants respectfully submit that Jones does not describe or suggest an apparatus for managing customer relationships as is recited in Claim 35. Claim 35 recites an apparatus that includes a means for performing steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 35 is patentable over Jones for the reasons that correspond to those given with respect to Claim 1.

Accordingly, for at least the reasons set forth above, Claim 35 is submitted as patentable over Jones.

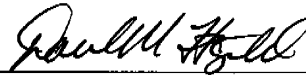
Claims 36-42 depend from independent Claim 35. When the recitations of Claims 36-42 are considered in combination with the recitations of Claim 35, Applicants respectfully submit that dependent Claims 36-42 likewise are patentable over Jones.

Moreover, regarding Claims 2, 4, 12, and 14, the Examiner takes Official Notice of “the Hit and Run and Dormancy models [as] being obvious extensions to Jones market analysis to provide market campaigns that can be targeted to specific customers.” Applicants respectfully traverse the Official Notice. Official Notice may be used for “facts...capable of such instant and unquestionable demonstration as to defy dispute”. See In re Ahlert, 424 F.2d 1088, 165 USPQ 418, 420 (CCPA 1970). Applicants submit that the Official Notice provided in the Office Action does not include facts that are capable of instant and unquestionable demonstration as to defy dispute. More specifically, Applicants submit that the assertion that “the Hit and Run and Dormancy models [are] obvious extensions to customer analysis to provide market campaigns that can be targeted to specific customers” is not a fact that is capable of instant and unquestionable demonstration as to defy dispute. Accordingly, Applicants submit that the Official Notice taken in the Office Action is improper.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-21 and 32-42 under Section 103 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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